

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:	12-Sep-07	APPL. S. N.:	10694731
To Examiner:	PHAN, TRI	Art Unit	2616
From	Jefferson, Henry PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68

SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,

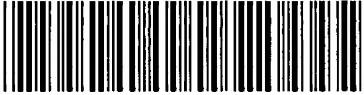
please initial, date and return this memo to me. THANK YOU.

- The T.D. is PROPER and has been recorded (see 14.23).
- The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):
 - The TD fee of [REDACTED] has not been submitted nor is there any authorization in the application file for the use of a deposit account
 - The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
 - The T.D. lacks the enforceable only during common ownership clause - needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
 - The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
 - The person who signed the T.D.:
 - is not an attorney "of record" (see 14.29 and 14.29.01).
 - has failed to state his/her capacity to sign for the business entity (see 14.28).
 - is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
 - No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
 - The T.D. is not signed (see 14.26 & 14.26.03).
 - The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
 - The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
 - The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
 - Other: [REDACTED]
 - Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: _____ Date: _____

Log Date:

Application Number 	Application/Control No. 10/694,731	Applicant(s)/Patent under Reexamination DAI ET AL.
Document Code - DISQ		Internal Document – DO NOT MAIL

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : August 31, 2007	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:

Henry D. Jefferson



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

William DAI *et al.*

Group Art Unit: 2616

Serial No.: 10/694,731

Examiner: Tri H. Phan

Filed: October 29, 2003

Atty. Docket No.: 058268.00341

For: PACKET SWITCHING FABRIC HAVING A SEGMENTED RING WITH TOKEN BASED RESOURCE CONTROL PROTOCOL AND OUTPUT QUEUING CONTROL

TERMINAL DISCLAIMER UNDER 37 CFR 1.321(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, Broadcom Corporation, having its place of business at 5300 California Avenue, Irvine, California 92617, represents that it is the assignee and owner of all right, title and interest in and to U. S. Patent Application Serial No. 10/694,731, filed October 29, 2003, for PACKET SWITCHING FABRIC HAVING A SEGMENTED RING WITH TOKEN BASED RESOURCE CONTROL PROTOCOL AND OUTPUT QUEUING CONTROL, the assignment for the application being recorded in the Patent and Trademark Office on April 5, 2001, at Reel 011663, Frame 0281. Petitioner is also the assignee of all right, title, and interest in and to U. S. Patent No. 6,658,016, issued December 2, 2003, the Assignment for the patent being recorded in the Patent and Trademark Office on April 5, 2001, at Reel 011663, Frame 0281.

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Petitioner hereby disclaims the terminal part, if any, of any patent granted on

application Serial No. 10/694,731, which would extend beyond the expiration date of United States Patent No. 6,658,016 issued December 2, 2003, and hereby agrees that any patent so granted on application Serial No. 10/694,731, shall be enforceable only during such period that the legal title to such patent shall be the same as the legal title to United States Patent No. 6,658,016, this agreement to run with any patent granted on the application, Serial No. 10/694,731, and to be binding on its grantee, its successors, or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent No. 6,658,016 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(c), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned on behalf of petitioner, Broadcom Corporation, hereby states and declares that I have the authority to execute this Terminal Disclaimer on behalf of the petitioner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of:

William DAI *et al.*

Group Art Unit: 2616

Serial No.: 10/694,731

Examiner: Tri H. Phan

Confirmation No.: 4032

Filed: October 29, 2003

Atty. Docket No.: 058268.00341

For: PACKET SWITCHING FABRIC HAVING A SEGMENTED RING WITH TOKEN BASED RESOURCE CONTROL PROTOCOL AND OUTPUT QUEUING

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 31, 2007

Sir:

Submitted herewith for filing in the above-identified application, is a Terminal Disclaimer.

Enclosed is a check in the amount of One Hundred Thirty Dollars (\$130.00) to cover the required fee. In the event that any additional fees are due with respect to this paper, please charge Counsel's Deposit Account No. 50-2222.

Respectfully submitted,

By: 
Brad Y. Chin
Attorney for Applicant(s)
Reg. No. 52,738

Customer Number 32294

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Enclosures: Check No. 17010; Terminal Disclaimer